

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

GLOBAL VIEWS, LP
Plaintiff,

v.

ALBERT ALLOUL,
LIFESTYLE GROUP DISTRIBUTION
USA COMPANY, and
LIFESTYLE GROUP DISTRIBUTION, INC.
Defendants.

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Case No. _____

COMPLAINT

Global Views, LP, Plaintiff, complains of Albert Alloul, Lifestyle Group Distribution USA Company (Lifestyle USA), and Lifestyle Group Distribution, Inc. (LGDI), Defendants, showing:

PARTIES

1. Plaintiff Global Views, LP (Global) is a Texas limited partnership with its principal place of business in Dallas, Texas.

2. Alloul is an individual who, on information and belief, offices in both Florida and Canada. He may be served by serving Albert Alloul at Lifestyle Group Distribution USA Company, 100 Bayview Drive, #1501, Sunny Isles, Florida, pursuant to Rule 4, Fed. R. Civ. P.

3. Defendant Lifestyle USA is, on information and belief, a Florida corporation with its principal place of business in Sunny Isles, Florida. It may be served by serving its President, Albert Alloul, Lifestyle Group Distribution USA Company, 100 Bayview Drive, #1501, Sunny Isles, Florida, pursuant to Rule 4, Fed. R. Civ. P.

4. Defendant LGDI is, on information and belief, another corporation owned in whole or in part by Alloul, and on information and belief is a Canadian corporation with an address at

9310 S. Laurent #1118, Montreal QC H2N 1N4 Canada. Because of Alloul's apparent ownership, it may be served by serving Albert Alloul at Lifestyle Group Distribution USA Company, 100 Bayview Drive, #1501, Sunny Isles, Florida, pursuant to Rule 4, Fed. R. Civ. P.

JURISDICTION AND VENUE

5. This Court has jurisdiction because this case is brought pursuant to federal statutes, and also there is diversity of citizenship and, on information and belief, the amount at issue exceeds \$75,000.00, exclusive of costs and interest.

6. This Court has specific personal jurisdiction over Defendants because they have committed copyright infringement by advertising for sale and selling infringing items over the internet to, on information and belief, Texas residents, and further committed trademark infringement or Lanham Act unfair competition by using Global's registered trademark on the internet resulting in sales, on information and belief, in Texas, and this case arises out of such actions.

7. Venue is proper in this District because one or more of the Defendants is subject to the Court's personal jurisdiction with respect to this action.

BACKGROUND FACTS

8. Global is in the business of creating various types of sculptures, artwork and furnishings. It has the trademark "GLOBAL VIEWS," U.S. Reg. No. 3,629,339 on the Principal Register, registered June 2, 2009 (the Mark). See Exhibit A.

9. Global has a copyright, Registration No. VA0001635765, registered 2008-03-14, for "Climbing Man – Wall," which is for a sculpture of a man climbing a wall on a rope attached to a wall peg or similar attachment. A copy of the photo submitted with the application for the original work of authorship is attached as Exhibit B. Global also has a copyright, Registration No.

VA0001681221, registered 2008-03-17, for “Climbing Man – Table,” which is for the same sculpture with the climber climbing a post affixed to a table top mount. A copy of the photo submitted with the application for the original work of authorship is attached as Exhibit C. These may be referred to as the “Global Climbing Man” work of authorship.

10. Defendants have created and are marketing and believed to be selling a “knock-off” of the “Global Climbing Man”—in fact, they are doing so brazenly, advertising their work as “The Amazing Global Views Climbing Man Wall Sculpture” (Defendants’ sculpture). See Exhibit D hereto. The Defendants’ sculpture is substantially similar to the Global Climbing Man. Obviously Defendants have had access to the Global Climbing Man.

FIRST CAUSE OF ACTION—COPYRIGHT INFRINGEMENT

11. The allegations of paragraphs 8-10 above are incorporated by reference.
12. Defendants have committed copyright infringement under 17 U.S.C. § 501.
13. Plaintiff seeks an injunction prohibiting Defendants from any further manufacture, advertisement, sale, or distribution of the Defendants’ sculpture under 17 U.S.C. § 502.
14. Plaintiff seeks impounding and destruction of all copies of Defendants’ infringing sculptures under 17 U.S.C. § 503.
15. Plaintiff seek actual damages and any additional profits of Defendants under 17 U.S.C. § 504(a)(1) and (b).
16. Alternatively, Plaintiff seeks statutory damages of such amount as shall be appropriate, under 17 U.S.C. § 504(a)(2) and (c)(1) and (2).
17. Plaintiff seeks full costs and a reasonable attorney’s fee under 17 U.S.C. § 505.

SECOND CAUSE OF ACTION—TRADEMARK INFRINGEMENT

18. The allegations of paragraphs 8-10 above are incorporated by reference.

19. Defendants have used a reproduction of the Mark in commerce in connection with the sale, offering for sale, distribution, or advertising of goods in commerce, and in connection therewith have likely caused confusion or mistake or deceit, and therefore are liable to Plaintiff under 15 U.S.C. § 1114(1)(a).

20. Plaintiff's Mark is incontestable.

21. Plaintiff requests an injunction against any further use of the Mark, and particularly against any sales using the mark, and impoundment and destruction of any goods offered for sale or sold under the Mark, under 15 U.S.C. § 1116(a).

22. Plaintiff seeks an award of Defendants' profits, damages sustained by Plaintiff, and the costs of this action under 15 U.S.C. § 1117(a).

23. Alternatively, should the Court find that the recovery based on profits is inadequate, Plaintiff prays the Court will in its discretion enter judgment for such sum as the Court may find to be just under 15 U.S.C. § 1117(a).

24. Also, Plaintiff prays that the Court will issue an amount in excess of damages up to three times actual damages under 15 U.S.C. § 1117(a).

25. Plaintiff avers that this is an exceptional case because Defendants have unabashedly used the Mark itself to market a duplicate of the product sold under the Mark, and therefore requests that the Court award Plaintiff its attorney's fees.

THIRD CAUSE OF ACTION—UNFAIR COMPETITION

26. The allegations of paragraphs 8-10 above are incorporated by reference.

27. Defendants have, in connection with goods, used in commerce a word, term, or name, or a false designation of origin, which is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Defendants with Plaintiff, or as to the

origin, sponsorship, or approval of Defendants' goods or commercial activities by Plaintiff (unfair competition). Defendants are therefore liable to Plaintiff, as Plaintiff believes that it is likely to be damaged by such actions under 15 U.S.C. § 1125(a)(1).

28. Plaintiff requests an injunction against any further unfair competition by Defendants, and particularly against any sales of goods using such unfair competition, and impoundment and destruction of any goods offered for sale or sold via such unfair competition, under 15 U.S.C. § 1116(a).

29. Plaintiff seeks an award of Defendants' profits, damages sustained by Plaintiff, and the costs of this action under 15 U.S.C. § 1117(a).

30. Alternatively, should the Court find that the recovery based on profits is inadequate, Plaintiff prays the Court will in its discretion enter judgment for such sum as the Court may find to be just under 15 U.S.C. § 1117(a).

31. Also, Plaintiff prays that the Court will issue an amount in excess of damages up to three times actual damages under 15 U.S.C. § 1117(a).

32. Plaintiff avers that this is an exceptional case because Defendants have blatantly used unfair competition to market an exact duplicate of the product, and therefore requests that the Court award Plaintiff its attorney's fees.

CONDITIONS PRECEDENT

33. All conditions precedent to any claims or causes of action asserted herein have been met, performed, waived, or otherwise satisfied.

WHEREFORE, Plaintiff Global prays for judgment against Defendants for all relief set forth hereinabove, and for such other or further relief to which Plaintiff may be entitled.

Respectfully submitted,

/s/Mack Ed Swindle

Mack Ed Swindle

Texas Bar No. 19587500

mswindle@whitakerchalk.com

Lead Counsel in Charge

Thomas F. Harkins, Jr.

Texas Bar No. 09000990

tharkins@whitakerchalk.com

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Fort Worth, Texas 76102-4135

Phone: (817) 878-0500

FAX: (817) 878-0501

**ATTORNEYS FOR PLAINTIFF
GLOBAL VIEWS, LP**

June 16, 2016

235807

Int. Cls.: 4, 6, 9, 11, 14, 16, 18, 19, 20, 21 and 24

**Prior U.S. Cls.: 1, 2, 3, 5, 6, 12, 13, 14, 15, 21, 22, 23,
25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 40, 41,
42 and 50**

United States Patent and Trademark Office

Reg. No. 3,629,339

Registered June 2, 2009

**TRADEMARK
PRINCIPAL REGISTER**

GLOBAL VIEWS

GLOBAL VIEWS, L.P. (TEXAS LIMITED PART-
NERSHIP)
7301 AMBASSADOR ROW
DALLAS, TX 75247

FOR: CANDLES, IN CLASS 4 (U.S. CLS. 1, 6 AND 15).

FIRST USE 0-0-1998; IN COMMERCE 0-0-1998.

FOR: METAL STORAGE BOXES; SCULPTURES MADE OF NON-PRECIOUS METAL; METAL WEATHER VANES; GENERAL PURPOSE METAL STORAGE CONTAINERS; BASKETS OF COMMON METAL; WALL PANELS OF METAL; METAL BOTTLE STOPPERS; PLAQUES OF NON-PRECIOUS METAL; DECORATIVE METAL WALL PANELS, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

FIRST USE 0-0-1998; IN COMMERCE 0-0-1998.

FOR: STORAGE BOXES FOR COMPACT DISKS; MAGNIFYING GLASSES, LIBRARY SCALES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 0-0-1998; IN COMMERCE 0-0-1998.

FOR: CHANDELIERS, HURRICANE LAMPS, LAMPS, LANTERNS, ELECTRIC WALL SCONCES, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).

FIRST USE 0-0-1998; IN COMMERCE 0-0-1998.

FOR: JEWELRY BOXES; DESK CLOCKS, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 0-0-1998; IN COMMERCE 0-0-1998.

FOR: DECORATIVE BOXES OF CARDBOARD AND PAPER; BOXES FOR PENCILS AND PENS; PHOTO STORAGE BOXES; STATIONERY BOXES;

CADDIES FOR PENS, PENCILS AND MARKERS; CORRESPONDENCE RACKS; LETTER RACKS; DESK FILE TRAYS; DOCUMENT FILE TRAYS; FILE TRAYS; LETTER TRAYS; PEN AND PENCIL TRAYS; PAPERWEIGHTS; DESK BLOTTERS; FILE BOXES FOR STORAGE OF BUSINESS AND PERSONAL RECORDS; FILE BOXES FOR STORAGE OF MAGAZINES; LETTER FILES; STORAGE CONTAINERS MADE OF PAPER; DESK BASKETS FOR DESK ACCESSORIES; BOOKENDS; DESKTOP BUSINESS CARD HOLDERS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 0-0-1998; IN COMMERCE 0-0-1998.

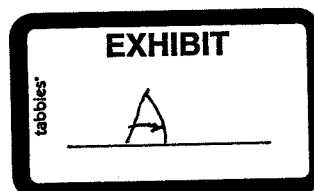
FOR: LEATHER AND LEATHER-BOARD BOXES; TOTE BAGS; JEWELRY TRUNKS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 0-0-1998; IN COMMERCE 0-0-1998.

FOR: WALL PANELS NOT OF METAL; DECORATIVE CERAMIC WALL PANELS, IN CLASS 19 (U.S. CLS. 1, 12, 33 AND 50).

FIRST USE 0-0-1998; IN COMMERCE 0-0-1998.

FOR: WOODEN BOXES; DECORATIVE WINDOW FINIALS; BOTTLE RACKS; PLATE RACKS; WINE RACKS; TEA CARTS; CONSOLE TABLES; DECORATIVE WOODEN CRATES; NON-METALLIC BOTTLE STOPPERS; BENCHES, BOOK STANDS, BOOKCASES, BOOKSHELVES, CABINETS, CHAIRS, CUSHIONS, FURNITURE CHESTS, ETAGERES, NON-METAL LADDERS, MIRRORS, OTTOMANS, PICTURE FRAMES, PILLOWS, SCREENS, SHELVES, STOOLS, TABLES, UMBRELLA STANDS; WOODEN SCULPTURES; PLAQUES OF WOOD; MAGAZINE CADDIES; MAGAZINE RACKS, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).



FIRST USE 0-0-1998; IN COMMERCE 0-0-1998.

FOR: FABRIC BOXES FOR HOUSEHOLD USE; GLASS BOXES; TEA CADDIES; NAPKIN CADDIES AND NAPKIN HOLDERS; TABLE SETTING CHARGER PLATES; NON-ELECTRIC WALL SCONCES (CANDLE HOLDERS); CERAMIC SCULPTURES; CHINA SCULPTURES; CRYSTAL SCULPTURES; EARTHENWARE SCULPTURES; TERRA COTTA SCULPTURES; GLASS SCULPTURES; PORCELAIN SCULPTURES; NON-METALLIC TRAYS; SERVING TRAYS; TRAYS FOR DOMESTIC PURPOSES; BASKETS FOR WASTE PAPER LITTERING; WASTE BASKETS; BASKETS OF WICKER, STRAW, WOOD, CLOTH; ICE TONGS; COCKTAIL PICKS; CANISTER SETS; TEA CANISTERS; COASTERS NOT OF PAPER AND NOT BEING OF LINEN; LEATHER COASTERS; COMPOTIERS (A DISH OF GLASS USED FOR SERVING FRUIT, NUTS, CANDY); GLASS JARS; CERAMIC JARS; PORCELAIN JARS; PLAQUES OF CERAMIC; PLAQUES OF EARTHENWARE; PLAQUES OF PORCELAIN; PLAQUES OF TERRA COTTA; SERVING PLATTERS; SOUP TUREENS; CERAMIC AMPHORAS, BOTTLES SOLD EMPTY, BOTTLE CADDIES, BOWLS, BUCKETS AND PAILS,

CAKE STANDS, NON-ELECTRIC CANDELABRAS MADE OF NON-PRECIOUS METAL, CANDLE-HOLDERS, CANDLESTICKS, CARAFES, COOLERS FOR WINE, DECANTERS, DECORATIVE CERAMIC WALL VASES, DRINKING GLASSES, GRAVY BOATS, ICE BUCKETS, JUGS, NON-PAPER CACHE-POTS, PITCHERS, PLATE STANDS, PLATES, TRAYS, URNS, VASES, WASTEBASKETS, WINE CADDIES, AND WOOD BUCKETS, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 0-0-1998; IN COMMERCE 0-0-1998.

FOR: QUILTS, IN CLASS 24 (U.S. CLS. 42 AND 50).

FIRST USE 0-0-1998; IN COMMERCE 0-0-1998.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-247,871, FILED 8-6-2007.

KAREN K. BUSH, EXAMINING ATTORNEY

From: TMOOfficialNotices@USPTO.GOV
Sent: Friday, October 3, 2014 11:01 PM
To: tgwynne@whitakerchalk.com
Subject: Official USPTO Notice of Acceptance/Acknowledgement Sections 8 and 15: U.S. Trademark RN 3629339: GLOBAL VIEWS: Docket/Reference No. 21432.0169

Serial Number: 77247871
Registration Number: 3629339
Registration Date: Jun 2, 2009
Mark: GLOBAL VIEWS
Owner: Global Views, L.P.

Oct 3, 2014

NOTICE OF ACCEPTANCE UNDER SECTION 8

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. **The Section 8 declaration is accepted.**

NOTICE OF ACKNOWLEDGEMENT UNDER SECTION 15

The declaration of incontestability filed for the above-identified registration meets the requirements of Section 15 of the Trademark Act, 15 U.S.C. §1065. **The Section 15 declaration is acknowledged.**

The registration will remain in force for the class(es) listed below for the remainder of the ten-year period, calculated from the registration date, unless canceled by an order of the Commissioner for Trademarks or a Federal Court.

Class(es):
004, 006, 009, 011, 014, 016, 018, 019, 020, 021

AUSTIN, DANA DIONNE
TRADEMARK SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

REQUIREMENTS FOR MAINTAINING REGISTRATION

WARNING: Your registration will be canceled if you do not file the documents below during the specified time periods.

Requirements in the First Ten Years

What and When to File: You must file a declaration of use (or excusable nonuse) and an application for renewal between the 9th and 10th years after the registration date. See 15 U.S.C. §§1058, 1059.

Requirements in Successive Ten-Year Periods

What and When to File: You must file a declaration of use (or excusable nonuse) and an application for renewal between every 9th and 10th-year period, calculated from the registration date. See 15 U.S.C. §§1058, 1059.

Grace Period Filings

The above documents will be considered as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

*****The USPTO WILL NOT SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE REGISTRANT SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.*****

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=77247871>. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

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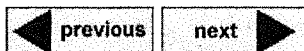
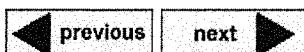
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Public Catalog

Copyright Catalog (1978 to present)

Search Request: Left Anchored Title = climbing man

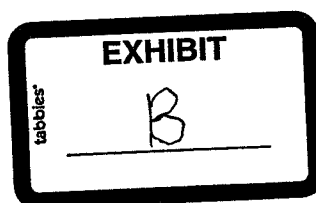
Search Results: Displaying 3 of 4 entries

[Labeled View](#)*[No title on deposit]***Type of Work:** Visual Material**Registration Number / Date:** VA0001635765 / 2008-03-14**Application Title:** Climbing Man - Wall.**Title:** [No title on deposit]**Description:** photos of sculpture.**Copyright Claimant:** Global Views, L.P.. Address: 7301 Ambassador Row, Dallas, Texas 75247**Date of Creation:** 2007**Date of Publication:** 2008-01-08**Nation of First Publication:** United States**Authorship on Application:** Global Views, L.P., employer for hire. Authorship: 3-dimensional sculpture.**Names:** Global Views, L.P.

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- #8.80849 Climbing Man-Wall Mounted

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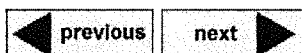
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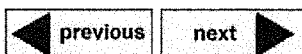
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Search Results: Displaying 2 of 4 entries

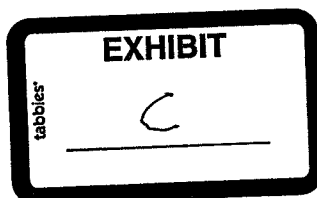
[Labeled View](#)

Climbing Man - Table.

Type of Work: Visual Material**Registration Number / Date:** VA0001681221 / 2008-03-17**Application Title:** Climbing Man - Table.**Title:** Climbing Man - Table.**Description:** Photographs of sculpture, 9p.**Copyright Claimant:** Global Views, L.P. Address: 7301 Ambassador Row, Dallas, TX, 75247.**Date of Creation:** 2007**Date of Publication:** 2008-01-08**Nation of First Publication:** United States**Authorship on Application:** Global Views, L.P., employer for hire; Citizenship: United States. Authorship: 3-Dimensional sculpture.**Names:** Global Views, L.P.

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- #8.80848 Climbing Man-Tabletop

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CLIMBING MAN



CLIMBING MAN - BLK



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- 5

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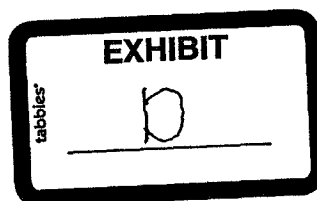
The Amazing Global Views Climbing Man Wall Sculpture

Great individually or as a staggered set, the Climbing Man Wall Art Sculpture makes a striking three-dimensional addition to your home or office wall. Each climber effortlessly ascends the 43" rope wire on his own exploratory adventure.

Item ships individually boxed. Hanging hardware and instructions are included.

Made of Resin

Size: 3.5"W x 5.5"H x 3.5"D

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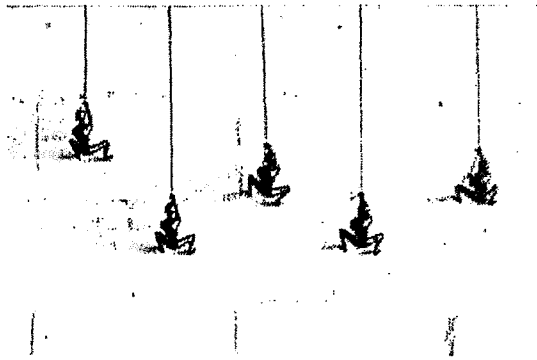
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CLIMBING MAN



CLIMBING MAN - BLK x 5



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The Amazing Global Views Climbing Man Wall Sculpture

Great individually or as a staggered set, the Climbing Man Wall Art Sculpture makes a striking three-dimensional addition to your home or office wall. Each climber effortlessly ascends the 43" rope wire on his own exploratory adventure.

Item ships individually boxed. Hanging hardware and instructions are included.

Made of Resin

Size: 3.5"W x 5.5"H x 3.5"D

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CLIMBING MAN



Home



CLIMBING MAN - BLK

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CLIMBING MAN - SILVER

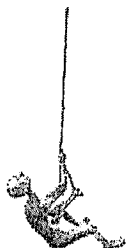
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CLIMBING MAN - Gold\$149.99**CLIMBING MAN - BLUEMAN**\$149.99**CLIMBING MAN - GREEN**\$149.99**CLIMBING MAN - RED**\$149.99

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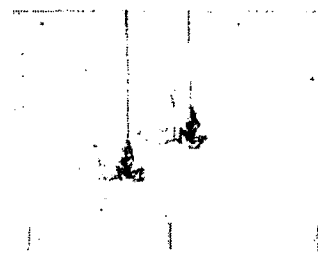
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**CLIMBING MAN - ORANGE**

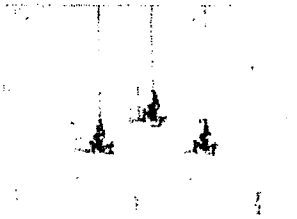
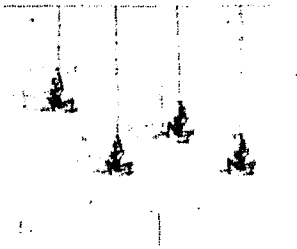
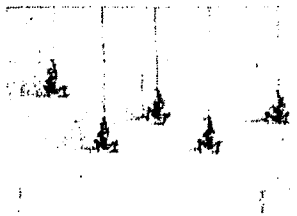
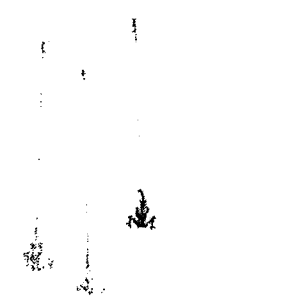
\$149.99

**CLIMBING MAN - White**

\$149.99

**CLIMBING MAN - BLK x 2**

\$269.00

**CLIMBING MAN - BLK x 3**\$399.00**CLIMBING MAN - BLK x 4**\$499.00**CLIMBING MAN - BLK x 5**\$549.00**CLIMBING MAN - SILVER AND GOLD SERIES OF 2**\$249.00

CLIMBING MAN - SILVER GOLD BLACK SERIES OF 3

\$329.99

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